

Applicants respectfully disagree with the Examiner's statement that "the level of a wave irradiated from a single means (first or second) is not controlled or changed as claimed."

Claim 7 states in pertinent part "a control means for controlling a position for irradiation of the acoustic wave by said first means for generating an acoustic wave according to said liquid level".

As shown in Fig. 3 and as discussed in paragraphs [0071]-[0073] of the published application, the first means for generating an acoustic wave is comprised of a plurality of individual piezoelectric elements 35 while the second means for generating a lower acoustic wave includes at least one lower piezoelectric element 35 which is irradiated from a bottom of the reaction vessel towards a level of the liquid. Thus, paragraphs [0071]-[0073] state as follows:

[0071] Piezoelectric element for lateral irradiation 35 at the position where lateral ultrasonic wave 9a and lateral ultrasonic wave 9b on the lower side are produced is laid out to ensure that irradiation position can be changed in conformance to the amount of specimen in reaction vessel 11.

[0072] Namely, multiple piezoelectric elements 35 (ultrasonic generators) are arranged in a row along the height of liquid level in the reaction vessel 11, or the electrode of one piezoelectric element is split into multiple segments, which are formed in an array along the height of liquid level in the reaction vessel 11.

[0073] The piezoelectric element for lateral irradiation 35 at the position where the lateral ultrasonic wave 9b on the lower side is generated is actuated, and the piezoelectric element for lateral irradiation 35 at the liquid level position is actuated in conformance to a particular situation, namely, in conformance to liquid level in the reaction vessel 11.

It is believed clear from the above description in the specification and in Figs. 3 and 5 of the drawings that a plurality of the piezoelectric elements 35 constitute a

first means for generating an acoustic wave 9a towards the reaction vessel and these plural piezoelectric elements are connected to an ultrasonic element drive circuit 6 which is controlled by a controller 1.

Accordingly, Applicants respectfully submit that the specification does provide enablement for controlling a position of the first means and that the controller controls which of the individual piezoelectric elements 35 is to be activated according to the level of the liquid.

Applicants further respectfully request that an interview be held prior to a first action in the RCE application. Applicants' undersigned attorney will contact the Examiner to schedule such an interview.

Respectfully submitted,

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